

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH R. GALE,

Plaintiff/Counter-Defendant,

No. 06-CV-15710-DT

vs.

Hon. Gerald E. Rosen

GENERAL MOTORS

Defendant/Counter and Cross Plaintiff,

and

MICHIGAN STATE TREASURER,

Defendant/Cross-Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION, DISMISSING
PLAINTIFF'S COMPLAINT, IN ITS ENTIRETY, AND
REMANDING COUNTER/CROSS-CLAIMS TO
MAGISTRATE JUDGE FOR FURTHER PROCEEDINGS

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on September 28, 2007

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This matter having come before the Report and Recommendation of United States Magistrate Judge Steven D. Pepe recommending that the Court DENY Plaintiff's Motions for Declaratory Judgment and Default Judgment, and Requests for Preliminary Injunction and Temporary Restraining Order, and GRANT Defendant Michigan State Treasurer's Motion to Dismiss; and objections and responses having been filed by all parties; and the

Court having reviewed the Magistrate Judge's Report and Recommendation, the objections and responses thereto, and the entire record of this matter, and having determined, that for the reasons stated by the Magistrate Judge, Plaintiff's Motions should be denied and Defendant Michigan State Treasurer's Motion to Dismiss should be granted, and being otherwise fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of February 20, 2007 be, and hereby is, adopted by the Court.

IT IS FURTHER ORDERED that Plaintiff's Motion for Declaratory Judgment [Dkt. # 2], Request for Preliminary Injunction [Dkt. # 3], Request for Temporary Restraining Order [Dkt. # 7], and Motion for Default Judgment [Dkt. # 10] are DENIED.

IT IS FURTHER ORDERED that Defendant Michigan State Treasurer's Motion to Dismiss is GRANTED. Accordingly,

IT IS FURTHER ORDERED that Plaintiff's Complaint is DISMISSED, in its entirety.

IT IS FURTHER ORDERED that Defendant General Motors' Counter-Claim and Cross-Claim against Plaintiff/Counter-Defendant Joseph Gale and Cross-Defendant Michigan State Treasurer are remanded to the Magistrate Judge for further pretrial proceedings pursuant to the original Order of Reference entered in this case.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: September 28, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 28, 2007, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry

Case Manager